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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

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8 UNITED STATES OF AMERICA,)

9 Plaintiff,)

10 vs.)

11 GALEN FISHER,)

12 Defendant.)
13 _____)

2:08-cr-0085-RLH-PAL

ORDER

(Motion for Reconsideration—#63)

14 Before the Court is Defendant Fisher's Motion for Reconsideration (#63, filed July 29,
15 2011) of the Court's denial of his prior 28 U.S.C. §2255 motion.

16 Although not mentioned in any of the Federal Rules of Civil Procedure, motions for
17 reconsideration may be brought under both Rules 59(e) and 60(b). "Under Rule 59(e), a motion for
18 reconsideration should not be granted, absent highly unusual circumstances, unless the district court is
19 presented with newly discovered evidence, committed clear error, or if there is an intervening change
20 in the controlling law." *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999).

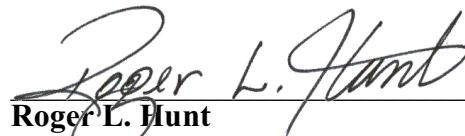
21 Under Rule 60(b), a court may relieve a party from a final judgment, order or
22 proceeding only for: (1) mistake, inadvertence, surprise or excusable neglect; (2) newly discovered
23 evidence; (3) fraud; (4) the judgment is void; (5) the judgment has been satisfied; or (6) any other
24 reason justifying relief from the judgment. A motion for reconsideration is properly denied when it
25 presents no arguments that were not already raised in its original motion. *See Backlund v. Barnhart*,
26 778 F.2d 1386, 1388 (9th Cir. 1985).

1 Motions for reconsideration are not “the proper vehicles for rehashing old arguments,”
2 *Resolution Trust Corp. v. Holmes*, 846 F.Supp. 1310, 1316 (S.D.Tex. 1994)(footnotes omitted), and
3 are not “intended to give an unhappy litigant one additional chance to sway the judge.” *Durkin v.*
4 *Taylor*, 444 F.Supp. 879, 889 (E.D. Va. 1977).

5 Fisher’s current motion merely reiterates the arguments made in the original motion.

6 IT IS THEREFORE ORDERED that Defendant Fisher’s Motion for Reconsideration
7 (#63) is DENIED.

8 Dated: August 26, 2011.

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11 **Roger L. Hunt**
12 **United States District Judge**
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